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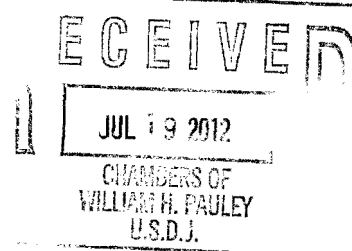


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July 18, 2012

**BY FEDERAL EXPRESS**

The Honorable William H. Pauley III  
The Honorable Robert W. Sweet  
U.S. District Court for the  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Hard Rock Café International (USA), Inc. v.  
Hard Rock Hotel Holdings, LLC et al., 10 CV 7244 (WHP)

Dear Judge Pauley and Judge Sweet:

We write on behalf of counsel for plaintiff and the Hard Rock Defendants to advise Your Honors of the status of discussions with Professor Francis McGovern, whose possible assistance as a mediator was suggested by Judge Pauley.

During a call with Professor McGovern on July 17, it was agreed that counsel for the aforementioned parties would supply him with various materials concerning the case, including certain draft agreements presently under discussion and short statements summarizing the parties' positions, for delivery on July 24. After Professor McGovern has reviewed those materials, he will confer with counsel for the aforementioned parties during the afternoon of July 30 to ask questions and discuss how he believes he can be helpful (if at all) in resolving this dispute. At Professor McGovern's suggestion, no further meetings or consultations have been scheduled pending his and the parties' further consideration of possible mediation structures. Professor McGovern commented that he is particularly mindful and respectful of Judge Sweet's work on this matter to date, and that he may reach out to either or both of Your Honors to further discuss his possible involvement.

As the Court is aware, the parties' joint request for a further extension of the schedule remains pending. It is not clear how much additional time past July 30 the parties may need to engage in mediation efforts. We propose to provide a further status report to the Court on or before August 1, at which time we anticipate being able to propose a more definite schedule.

Application granted.

SO ORDERED:

WILLIAM H. PAULEY III U.S.D.J.

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The Court should also be aware that, notwithstanding counsels' discussions with Professor McGovern, we anticipate that representatives of plaintiff and the Hard Rock Defendants will continue their direct dialogue concerning settlement.

To the extent there are any questions concerning this matter that have not been addressed above, counsel are available at the Court's convenience.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Bruce R. Ewing', written in a cursive style.

Bruce R. Ewing

BRE/tt

cc: All Counsel of Record (via electronic mail)  
Professor Francis McGovern (via electronic mail)